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6 *Attorneys for Defendants Emmanuel Cespedes,*
Legal Representatives Of Estates of Deandre Lyle,
7 *Danny Miramontes, and Francisco Miramontes*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 ACCEPTANCE INDEMNITY INSURANCE
COMPANY,

11 Plaintiffs,

12 vs.

13 DESSERT AUTO TRADER, LLC,
EMMANUEL CESPEDES, LEGAL
14 REPRESENTATIVE OF ESTATE OF
DEANDRE LYLE, LEGAL
15 REPRESENTATIVE OF DANNY
MIRAMONTES, and LEGAL
16 REPRESENTATIVE OF ESTATE OF
FRANCISCO MIRAMONTES,

17 Defendants.
18

Case No. 2:18-cv-2266

STIPULATION AND ORDER TO
EXTEND TIME FOR PARTIES TO FILE
A JOINT STIPULATION AND ORDER
TO DISMISS

19 IT IS HEREBY STIPULATED, by and between the parties hereto, through their
20 respective counsel, that the time set forth in the Court's October 29, 2019 Minute Order to file a
21 joint stipulation to dismiss for Ninety (90) days, which was originally due December 30, 2019.
22 The Court granted the Parties' initial Stipulation and Order to extend the time to file a joint
23 stipulation to dismiss to March 30, 2020. The Parties submitted a second Stipulation and Order
24 to extend the time to file a joint stipulation to dismiss, which the Court accepted, extending the
25 deadline to June 30, 2020.

26 Plaintiff has finally received a balance confirmation from Culinary, which stated the
27 balance owed for treatment provided to Emmanuel Cespedes was \$21,407.61. Culinary's lien
28 almost exceeds the total settlement reached in this matter for Emmanuel Cespedes, as there



were four (4) victims, three (3) deceased, and only \$100,000.00 policy limit available between the four. Upon receiving the balance, Plaintiff has sent several reduction requests to Culinary advising them of the total settlement proceeds and asking them to reduce the lien in order to ensure Emmanuel Cespedes could personally receive some of the settlement proceeds. On June 18, 2020, Plaintiff received an email from the adjuster for Culinary advising that she had forgotten to respond to our numerous requests and would work on processing it.

Plaintiff cannot secure the minor's compromise on behalf of Emmanuel Cespedes until the reduction request is received from Culinary. Despite the numerous requests made to Culinary for the balance requests and reduction requests, Culinary has failed to respond in a reasonable time, thus prolonging Plaintiff's ability to secure the minor's compromise approval and submit the dismissal documents to this Court.

The joint stipulation to dismiss is due June 30, 2020. Plaintiff still needs additional time to obtain the lien reduction from Culinary and secure the minor's compromise on behalf of Plaintiff, Emmanuel Cespedes.

Therefore, the Parties hereby stipulate that the June 30, 2020 deadline to file a joint stipulation to dismiss be continued September 30, 2020. The Parties further stipulate and request that the Court issue an Order to Show Cause or set a status check hearing and require Culinary's presence in order to ensure their prompt response to the reduction request so this matter can be resolved.

DATED this 19th day of June, 2020.

DATED this 19th day of June, 2020

RICHARD HARRIS LAW FIRM

COZEN O'CONNOR

/s/ Mark L. Jackson
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/s/ Michael W. Melendez
 MICHAEL W. MELENDEZ, ESQ.
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 3735 Howard Hughes Parkway, Suite 200
 Las Vegas, Nevada 89169
Attorneys for Plaintiff

1 DATED this 19th day of June, 2020

2 **RYAN ALEXANDER, CHTD**

3 /s/ Ryan Alexander

5 RYAN ALEXANDER

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Las Vegas, Nevada 89102

7 *Attorneys for Desert Auto Trader, LLC*

8
9 **IT IS SO ORDERED.**

10
11 
12 RICHARD F. BOULWARE, II

UNITED STATES DISTRICT JUDGE

13 DATED this 23rd day of June, 2020.

